

Cherwell District Council

Licensing Committee

16th December 2014

Animal Licensing Policy

Report of Head of Community Services

This report is public

Purpose of report

Cherwell District Council is responsible for the control and regulation of certain animals and animal establishments through a statutory licensing regime. The purpose of this report is to seek approval for the adoption of an Animal Licencing Policy and Animal Licensing Conditions set out within the policy, which will be applied by authorised enforcing officers when determining applications requiring an animal licence.

1.0 Recommendations

The meeting is recommended:

- 1.1 To adopt the proposed policy setting out the Council's approach to governing the operation of Animal Licenced Establishments as set out at Appendix 1, to be adhered to when determining all applications for such premises.
- 1.2 To approve the proposed conditions within the attached policy governing the operation of Animal Licenced Establishments and that they be attached to all licences issued by the Council.
- 1.3 To authorise the Head of Community Services in consultation with the Chairman of the Licensing Committee, to set and make any minor alterations to the setting of fees and conditions in relation to the processing of applications for Licenced Animal Establishments.
- 1.4 To agree that the finalised policy be published on 6th January 2014.

2.0 Introduction

- 2.1 Cherwell District Council is responsible for granting a number of licenses which involve animals under the following legislation:

The Pet Animals Act 1951
The Animal Boarding Establishments Act 1963
The Breeding of Dogs Act 1973/1991 (as amended by the Breeding and Sale of Dogs (Welfare) Act 1999)
The Dangerous Wild Animals Act 1976
The Riding Establishments Act 1964/1970

- 2.2 Whilst the Public and Environmental Health Team have dealt with applications and granted the above licences for a number of years, the Council has never had a formal policy in place.
- 2.3 A policy has therefore been drafted to clarify what is required of applicants, what provisions need to be in place to secure the welfare of all animals and what conditions will ordinarily be attached to each licence.
- 2.4 Licensing conditions vary depending on the type of licence being issued however the overriding purpose is to protect animal welfare as covered by the Animal Welfare Act 2006.
- 2.5 The proposed conditions recommended for adoption by Cherwell District Council originate from a variety of organisations such as the Chartered Institute of Environmental Health (CIEH), Local Government Association, Local Authorities Co-Ordinators of Regulatory Services (LACORS), British Veterinary Association and National Trade Associations.

3.0 Report Details

- 3.1 Cherwell District Council currently have 11 Pet shops licenced in accordance with the Pet Animal Act 1951, 24 animal boarding (Cat and Dogs) licenced in accordance with the Animal Boarding Act 1963 and 4 Riding Schools licenced in accordance with the Riding Establishments Act 1964 & 1970.

At the time of this report, there are no licenced Zoo's, Dangerous Wild Animals or Dog breeders.

- 3.2 The period in which the license operates depends on the legislation it falls under which is detailed in the attached policy.
- 3.3 There is no statutory requirement on a local authority to have a policy on animal licensing, however it is best practice to adopt a policy which sets out its approach for the benefit of operators, guides and reassures the public and other public authorities and ensures transparency and consistency.
- 3.4 The full draft policy is attached to this report at Appendix 1

4.0 Conclusion and Reasons for Recommendations

- 4.1 The Head of Community Services has a duty of care to the public and so any determination will always be made in the interest of public safety and animal welfare as well as service provision to the public.
- 4.2 The Animal Licensing policy will allow the Public and Environmental Health Team to carry out its functions in a transparent manner with clear guidance to the Authority, Applicants, local residents and businesses alike.
- 4.3 Each application must be considered on its own merits

5.0 Consultation

- 5.1 This policy has not been sent externally for consultation as this exercise does not intend to change the conditions, but seeks the formal adoption and implementation of the animal licensing policy.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following options have been identified.

Option 1: Adopt the policy and licence conditions

Option 2: Reject policy and conditions for amendment as necessary.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial effects from adopting this Policy other than the cost of communicating its adoption to the licensed trade and advertising its existence to the general public. There is existing budget provision to cover these costs including printing and postage.

Comments checked by: Yvonne White, Service Accountant, Finance & Procurement, Yvonne.white@cherwell-dc.gov.uk

Legal Implications

- 7.2 There is no statutory requirement to implement this policy. However the implication of not having such a policy in place would be to permit unregulated activities to take place within the district with minimal power for the Licensing Authority to take any enforcement action. Adoption of the Policy will allow the Licensing Authority to carry out proportionate enforcement in support of the licensed trade.

Comments checked by : Paul Manning (Solicitor) 01295 221691, paul.manning@cherwell-dc.gov.uk

Risk Management

- 7.3 There are no risk implications of introducing this policy other than those already considered within the legal implications.

Comments checked by: Claire Taylor (Corporate Performance Manager) 0300 003 0113 claire.taylor@cherwellandsouthnorthants.gov.uk

Wards Affected

All

Links to Corporate Plan and Policy Framework

Safe Healthy and Thriving District in controlling the risk to animals and to public health from harm.

Lead Councillor

None

Document Information

Appendix No	Title
1	Draft Animal Licensing Policy
Background Papers	
None	
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